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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,494	10/16/2003	Marc Husemann	tesa AG 1615-WCG	9053
27386 7590 05/29/2007 NORRIS, MCLAUGHLIN & MARCUS, P.A. 875 THIRD AVE 18TH FLOOR NEW YORK, NY 10022			EXAMINER LIPMAN, BERNARD	
			ART UNIT 1713	PAPER NUMBER
			MAIL DATE 05/29/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/687,494  
Filing Date: October 16, 2003  
Appellant(s): HUSEMANN ET AL.

**MAILED**  
**MAY 29 2007**  
**GROUP 1700**

William C. Gerstenzang, Esq.  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 09 March 2007 appealing from the Office action mailed 07 September 2006.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6,430,898	Remmers et al	8-2002
WO 00/39233	Everaerts et al	7-2000

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

**(10) Response to Argument**

Claims 1-5, 7 and 8 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Everaerts et al, WO 00/39233 and in view of Remmers et al, U. S. Patent 6,430,898.

Rejection of claims as stated in the final rejection of 07 September 2006 is herein maintained, and it is clear that Appellants accept the fact that the reference to Everaerts et al teaches the same polymers as claimed by Appellants. The issue contested is whether the claims **require** a product with additional structure not disclosed and anticipated by the product in Everaerts et al or rendered prima facie obvious from the bricks of Remmers et al in combination with Everaerts et al.

Appellants have argued that some of the required moulding techniques of the claims imply structure to the resultant moulded product. The language used is that the products **generally** have complicated structure (emphasis added). Even this language makes clear that this is not always the case and, therefore, the claims are not restricted to these types of structures. Even injection moulded products, therefore, encompass those without specific structure, and this is certainly true for blow moulding, which is

Art Unit: 1713

routinely used to make films of no distinctive shape. The claims, therefore, continue to read on mere film material or "bricks", and the rejection remains proper.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

  
Bernard Lipman

Conferees:

Jennifer K~~ell~~-Michener

David Wu

  
